

EXHIBIT

1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

Thomas Fogarty	Plaintiff,	:	UPDATED STATEMENT OF NET WORTH
		:	DATED: 5/3/2024
- against -		:	
		:	Index No.: 035547/2021
		:	Date Action Commenced: 9/28/2021
Sai Malena Jimenez-Fogarty	Defendant,	:	
		:	
		:	

Complete all items, marking "NONE," "INAPPLICABLE," or "UNKNOWN," if appropriate.

STATE OF NEW YORK)
) SS:
COUNTY OF ROCKLAND)

THOMAS FOGARTY, the Plaintiff herein, being duly sworn, deposes and says that, **subject to the penalties of perjury**, the following is an accurate statement as of 5/3/2024 of my net worth (assets of whatsoever kind and nature and wherever situated minus liabilities), **statement of income from all sources** and statement of assets transferred of whatsoever kind and nature and wherever situated and statement of expenses:

I. FAMILY DATA

- (a) Thomas Fogarty's date of birth: 6/13/1973, age 50

Thomas Fogarty's place of birth Ireland
- (b) Sai Malena Jimenez-Fogarty's date of birth: 4/28/1975, age 49

Sai Malena Jimenez-Fogarty's place of birth Bronx, New York
- (c) Date married 1/25/2013

Place married (city, county state) New York, New York, NY
- (d) Names and dates of birth of Child(ren) of the marriage:

Patrick Fogarty 11/07/2013, age 10

Katia Fogarty 9/16/2015, age 8
- (e) Minor child(ren) of a prior marriage: 0
- (f) Custody of child(ren) of prior marriage: Sai Malena Jimenez-Fogarty Thomas Fogarty
- (g) Thomas Fogarty's present address 4 Theis Lane

Blauvelt, NY 10913

Sai Malena Jimenez-Fogarty's present address Unknown / Confidential

NY
- (h) Occupation of Thomas Fogarty Owner

Employer of Thomas Fogarty Highbury Concrete, Inc.

1 Blue Hill Plaza, 11th Floor

Pearl River, NY 10965

Occupation of Sai Malena Jimenez-Fogarty Account Executive

Employer of Sai Malena Jimenez-Fogarty T-Mobile

12920 38th Ave., SE

Bellevue, WA 98006

(i) Supplemental information:

Marital residence is occupied by ☒ Thomas Fogarty ☐ Sai Malena Jimenez-Fogarty ☐ Both

Education & skills of Thomas Fogarty High School

Education & skills of Sai Malena Jimenez-Fogarty College-expected graduation date 12/2024

Health of Thomas Fogarty Good

Health of Children Good

II. **EXPENSES :** (List your current expenses on a monthly basis. If there has been any change in these expenses during the recent past please indicate. Items included under "other" should be listed separately with separate dollar amounts).

(a) Housing: Monthly - 4 Theis Lane, Blauvelt, NY	
1. Mortgage / Co-op Loan	5,040
Real estate taxes and homeowner's insurance included	
2. Home Equity Line of Credit / Second Mortgage	
3. Real Estate Taxes (if not included in mortgage payment)	
4. Homeowner's / Renter's Insurance	
5. Homeowner's Association / Maintenance charges / Condominium Charges	
6. Rent	
7. Other	
TOTAL: HOUSING	
5,040	
(b) Utilities: Monthly - 4 Theis Lane, Blauvelt, NY	
1. Fuel Oil / Gas	371
Estimate	
2. Electric	192
Estimate	
3. Telephone (land line)	
4. Mobile Phone	200
Paid by Highbury Concrete	
5. Cable / Satellite TV	50
Irish cable boxes (2)	
6. Internet	100
Cable included	
7. Alarm	
8. Water	50
Estimate	
9. Other	
TOTAL: UTILITIES	
963	
(c) Food: Monthly	
1. Groceries	1,600
2. Dining Out / Take Out	800
3. Other	
TOTAL: FOOD	
2,400	
(d) Clothing: Monthly	
1. Yourself	300
2. Child(ren)	200
Estimate	
3. Dry Cleaning	100
4. Other	
TOTAL: CLOTHING	
600	

(e) Insurance: Monthly

1. Life	1,339
total payment for policy numbers x7297, x2158, x2190, x2296, x3270, x5679, x7552. Wife has access to all children's and whole life policies and has cashed out and/or taken loans against the policies.	
2. Fire, theft and liability and personal articles policy	
3. Automotive	
4. Umbrella Policy	
5. Medical Plan	
5 A. Medical Plan for yourself	3,700
For entire family paid by Highbury Concrete	
5 B. Medical Plan for children	0
6. Dental Plan	208
Paid by Highbury Concrete	
7. Optical Plan	26
Paid by Highbury Concrete	
8. Disability	
9. Worker's Compensation	
10. Long Term Care Insurance	
11. Other	
TOTAL: INSURANCE	5,273

(f) Unreimbursed Medical: Monthly

1. Medical	40
2. Dental	20
3. Optical	100
4. Pharmaceutical	
5. Hospital	
6. Psychotherapy	3,000
Andrea Labis for H and Dr. Abrams for Patrick & Katia.	
7. Other Medical	
TOTAL: UNREIMBURSED MEDICAL	3,160

(g) Household Maintenance: Monthly - 4 Theis Lane, Blauvelt, NY

1. Repairs / Maintenance	550
2. Gardening / Landscaping	600
3. Sanitation / Carting	35
4. Snow Removal	
5. Extermination	35
6. Other Maintenance	67
Sprinkler maintenance	
TOTAL: MAINTENANCE	1,287

(h) Household Help: Monthly

1. Domestic (housekeeper, etc.)	400
2. Nanny / au pair / child care	6,000
3. Babysitter	
4. Other	
TOTAL: HOUSEHOLD HELP	6,400

(i) **Automobile: Monthly**

- | | |
|---|-------|
| 1. Lease or Loan Payments (indicate lease term) | _____ |
| 2. Gas and Oil | 200 |
| 3. Repairs | _____ |
| 4. Car Wash | _____ |
| 5. Public Transportation | _____ |
| 6. Parking | _____ |
| 7. Tolls | 130 |
| 8. Other | _____ |

TOTAL: AUTOMOBILE 330

(j) **Education Costs: Monthly**

- | | |
|---|-------|
| 1. Nursery and Pre-School | _____ |
| 2. Primary and Secondary | _____ |
| 3. College | _____ |
| 4. Post-Graduate | _____ |
| 5. Religious Instruction | 60 |
| Patrick and Katia | |
| 6. School Transportation | _____ |
| 7. School Supplies / Books | 85 |
| Patrick and Katia | |
| 8. School Lunches | 20 |
| 9. Tutoring | _____ |
| 10. School Events | _____ |
| 11. Child(ren)'s extra-curricular and educational enrichment activities | 665 |
| Patrick - GAA, basketball, gym, piano Katia - GAA, Piano, basketball, art, gym | |
| 12. Other | _____ |

TOTAL: EDUCATION 830

(k) **Recreational: Monthly**

- | | |
|---------------------------------------|-------|
| 1. Vacations | 1,000 |
| 2. Movies, Theatre, Ballet, Etc. | 400 |
| Patrick & Katia | |
| 3. Music (Digital or Physical Media) | 20 |
| Netflix, Disney + | |
| 4. Recreation Clubs and Memberships | _____ |
| 5. Activities for yourself | _____ |
| 6. Health Club | 300 |
| 7. Summer Camp | 335 |
| 8. Birthday, Party Costs for Children | 200 |
| 9. Other | _____ |

TOTAL: RECREATIONAL 2,255

(l) **Income Taxes: Monthly**

- | | |
|--|-------|
| 1. Federal | _____ |
| 2. State | _____ |
| 3. City | _____ |
| 4. Social Security and Medicare | _____ |
| 5. Number of dependents claimed in prior tax year: 2 | _____ |

6. List any refund received by you for prior year	_____
TOTAL: INCOME TAXES 0	
(m) Miscellaneous: Monthly	
1. Beauty Parlor / Barber / Spa	230
2. Non-Prescription Drugs Supplements/Vitamins	200
3. Books, Magazines, Newspapers	_____
4. Gifts to Others	80
5. Charitable Contributions	1,200
6. Religious Organizations Dues	100
7. Union and Organization Dues	_____
8. Commutation Expenses	_____
9. Veterinarian / Pet Expenses	475
10. Child Support Payments (for Child(ren) of a prior marriage or relationship pursuant to court order agreement)	_____
11. Maintenance - Spousal Support	4,242
12. Loan Payments	_____
13. Unreimbursed Business Expenses	_____
14. Safe Deposit Box Rental Fee	_____
15. Other	_____
TOTAL: MISCELLANEOUS 6,527	
(n) Other: Monthly	
1. Supervision (Malena with children)	6,192
Approxiamte (depending on supervisor)	
TOTAL: OTHER 6,192	
TOTAL: ALL EXPENSES 41,257	

III. GROSS INCOME INFORMATION (annual, from most recent Federal income tax return):

Annexed hereto is Plaintiff's 2022 tax return, with 2023
W-2 and 2023 extension filings

- (a) Gross (total) income - as should have been or should be reported in the most 260,000
recent Federal income tax return. (state whether your income has changed
during the year preceding date of this affidavit. If so, please explain.)

Attach most recent W-2, 1099s, K1s and income tax returns.

List any amount deducted from gross income for retirement benefits
or tax deferred savings. (All numbers are annual.)

- (b) To the extent not already included in gross income in (a) above:
- 1. Investment income, including interest and dividend income,
reduced by sums expended in connection with such investment
 - 2. Worker's Compensation
(indicate percentage of amount due to lost wages) _____
 - 3. Disability benefits
(indicate percentage of amount due to lost wages) _____
 - 4. Unemployment insurance benefits
 - 5. Social Security benefits
 - 6. Supplemental Security Income
 - 7. Public Assistance
 - 8. Food Stamps
 - 9. Veterans benefits
 - 10. Pensions and retirement benefits
 - 11. Fellowships and stipends
 - 12. Annuity payments
- (c) If any child or other member of your household is employed, set
forth name and that person's annual income: [No additional income]
- (d) List any maintenance and/or child support you are receiving pursuant
to court order or agreement
- (e) Other

TOTAL INCOME \$ _____

IV. ASSETS: (If any asset is held jointly with spouse or another, so state and set forth your respective shares.)

A. Cash Accounts:

Checking Accounts:

2.1 a. Financial Institution Allied Irish Banks, p.l.c.
b. Account number (last 4 digits) #6001
c. Title holder Thomas Fogarty
d. Date opened 2006
e. Source of funds premarital - separate property
f. Balance as of date of commencement \$
g. Current Balance \$ 23,171
As of 4/23/2024

2.2 a. Financial Institution TD Bank
b. Account number (last 4 digits) x5845
c. Title holder Thomas Fogarty
d. Date opened October 2021
e. Source of funds Post commencement earnings/Separate Property
f. Balance as of date of commencement \$
g. Current Balance \$ 20,689
As of 4/23/2024

TOTAL CHECKING \$ 43,860

Savings Account: (including individual, joint, totten trust, certificates of deposit, treasury notes)

3.1 a. Financial Institution TD Bank
b. Account number (last 4 digits) x4263
c. Title holder Separate Property
d. Type of account Savings
e. Date opened October 2021
f. Source of funds H's share of joint TD saving account distribution
g. Balance as of date of commencement \$
h. Current Balance \$ 107,789
As of 4/23/2024

3.2 a. Financial Institution TD Bank - UTMA
b. Account number (last 4 digits) x5163
c. Title holder Thomas Fogarty with Patrick Fogarty
d. Type of account UTMA
e. Date opened November 2021
f. Source of funds Post commencement earnings/Separate Property
g. Balance as of date of commencement \$
h. Current Balance \$ 12,973
As of 4/23/2024

3.3 a. Financial Institution TD Bank - UTMA
 b. Account number (last 4 digits) x5402
 c. Title holder Thomas Fogarty with Katia Fogarty
 d. Type of account UTMA
 e. Date opened November 2021
 f. Source of funds Post commencement earnings/Separate Property
 g. Balance as of date of commencement \$
 h. Current Balance \$ 15,434
As of 4/23/2024

3.4 a. Financial Institution TD Bank Savings
 b. Account number (last 4 digits) x5739
 c. Title holder Joint
 d. Type of account Savings
 e. Date opened
 f. Source of funds Marital income
 g. Balance as of date of commencement \$ 199,374
 h. Current Balance \$ 0
Account closed after withdrawals post DOC

TOTAL SAVINGS \$ 136,196

TOTAL ACCOUNTS \$ 180,056

B. Real Estate (Including real property, leaseholds, life estates, etc. at market value -
 do not deduct any mortgage).

4.1 a. Description 4 Theis Lane, Blauvelt, NY
 b. Title owner Thomas Fogarty & Sai Malena Jimenez Fogarty
 c. Date of acquisition 2017
 d. Original price \$ 749,000
 e. Source of funds to acquire marital income
 f. Amount of mortgage or lien unpaid \$ 376,864
Real estate taxes and homeowner's insurance included
 g. Estimate current fair market value \$ 975,000
Appraised value as of 11/28/2023

4.2 a. Description Lisblating Kilsheelin Clonmel Tipperary IRE
 b. Title owner Thomas Fogarty & Sai Malena Jimenez-Fogarty
 c. Date of acquisition 2020
 d. Original price \$ 215,000
 e. Source of funds to acquire marital income
 f. Amount of mortgage or lien unpaid \$
 g. Estimate current fair market value \$ 230,000
Value in Euros, as per appraisal dated 12/1/2023

TOTAL VALUE OF REAL ESTATE \$ 1,205,000

C. Retirement Accounts (e.g. IRAs, 401(k)s, 403(b)s, pension, profit sharing plans, deferred compensation plans, etc.)

5.1	a. Description	401k
	b. Location of assets	VOYA
		Marital component & Separate Property
	c. Title owner	Thomas Fogarty
	d. Date of acquisition	
	e. Source of funds	Income
	f. Value as of date of commencement	\$
	g. Current Value	\$ 185,171
	As of 4/23/2024	

5.2	a. Description	Merrill Lynch - Traditional IRA
	b. Location of assets	Bank of America Company acct#96S01
	c. Title owner	Thomas Fogarty
	d. Date of acquisition	2021
	e. Source of funds	Marital Income
	f. Amount of unpaid liens	\$ 0
	g. Value as of date of commencement	\$ 6,000
	h. Current Value	\$ 6,002
	As of 4/23/2024	

TOTAL RETIREMENT ACCOUNTS \$ 191,173

D. Vehicles (Auto, Boat, Truck, Plane, Camper, Motorcycles, etc.)

E. Jewelry, art, antiques, household furnishings, precious objects, gold and precious metals
(only if valued at more than \$500)

7.1	a. Description	Household Furnishings
	b. Title owner	Joint
	c. Location	4 Theis Lane, Blauvelt, NY 10913
	d. Original price or value	\$
	e. Source of funds to acquire	Marital Income
	f. Amount of lien unpaid	\$
	g. Estimate current value	\$ TBD
	h. Value as of date of commencement	\$
7.2	a. Description	Watches
	b. Title owner	Thomas Fogarty
	c. Location	4 Theis Lane, Blauvelt, NY 10913
	d. Original price or value	\$
	e. Source of funds to acquire	income
	f. Amount of lien unpaid	\$
	g. Estimate current value	\$ Unknown
	h. Value as of date of commencement	\$

F. Interest in any Business

8.1 a. Name and address of business . . . Highbury Holdings
 b. Type of business . . . Concrete Superstructure
 c. Your percentage of interest . . . 40%
 d. Date of acquisition . . . 2021
 e. Original price or value . . . \$
 f. Source of funds to acquire . . .
 g. Net worth of business . . . \$ TBD
 . . . \$
 . . . \$
 Valuation date . . .
 h. Other relevant information . . .
 Rebury, Skybury, Garbury, Haverstraw Concrete Supplys LLC, Highbury
 Concrete (NY), Highbury Concrete (FL), 25% interest in MLZ, Elm
 Orchard, owned by Highbury Holdings.

8.2 a. Name and address of business . . . Arteta LLC
 . . . West Haverstraw Property, 51 South Rt. 9W
 b. Type of business . . . Holding Business
 c. Your percentage of interest . . .
 d. Date of acquisition . . . 2020
 . . . Highbury Concrete pays rent \$29K p/m to Arteta
 e. Original price or value . . . \$
 f. Source of funds to acquire . . . Highbury Concrete
 g. Net worth of business . . . \$ TBD
 . . . \$
 . . . \$
 Valuation date . . .
 h. Other relevant information . . .
 Plaintiff owns 40%

G. Cash Surrender Value of Life InsuranceH. Investment Accounts/Securities/Stock Options/Commodities/Broker Margin AccountsI. Loans to Others and Accounts ReceivableJ. Contingent Interests (stock options, interest subject to life estates, prospective inheritances)K. Other Assets (e.g. tax shelter investments, collections, judgments, causes of action, patents, trademarks, copyrights, and any other assets not hereinabove itemized)

V. LIABILITIES

A. Accounts Payable

B. Credit Card Debt

C. Mortgages Payable on Real Estate

3.1 a. Mortgagee name & address Cross Country Mortgage - loan #0722079282
b. Address of property mortgaged 4 Theis Lane, Blauvelt, NY
c. Mortgagor(s) Joint
d. Original debt \$
e. Date of incurring debt 05/2017
f. Monthly or other periodic payment \$ 5,040.40
g. Maturity date 6/2036
h. Amount of debt as of date of commencement \$ 0
i. Amount of current debt \$ 376,864
As of 3/11/2024

D. Home Equity and Other Lines of Credit

E. Notes Payable

5.1 a. Description Loan
Note holder name&address Highbury Concrete Inc.
b. Debtor Thomas Fogarty
c. Amount of original debt \$ 250,000
d. Date of incurring debt 9/27/2022
e. Purpose living expenses and legal fees
f. Monthly or other periodic payment \$ 0.00
g. Amount of debt as of date of commencement \$ 0
h. Amount of current debt \$ 250,000

5.2 a. Description Loan
Note holder name&address Highbury Concrete Inc.
b. Debtor Thomas Fogarty
c. Amount of original debt \$ 700,000
d. Date of incurring debt October 22, 2023
e. Purpose Living expenses and legal fees
f. Monthly or other periodic payment \$ 0.00
g. Amount of debt as of date of commencement \$ 0
h. Amount of current debt \$ 700,000

5.3 a. Description Loan
 Note holder name&address Highbury Concrete Inc.
 b. Debtor Thomas Fogarty
 c. Amount of original debt \$ 600,000
 d. Date of incurring debt January 19, 2024
 e. Purpose Living Expenses and legal fees
 f. Monthly or other periodic payment \$ 0.00
 g. Amount of debt as of date of commencement \$ 0
 h. Amount of current debt \$ 600,000

F. Brokers' Margin AccountsG. Taxes PayableH. Loans on Life Insurance PoliciesI. Installment Accounts Payable (security agreements, chattel mortgages.)J. Other Liabilities

10.1 a. Description Highbury Concrete-various lawsuits
 b. Name & address of creditor contingent liabilities
 c. Debtor
 d. Original amount of debt \$ Unknown
 e. Date incurred 2016 (approxiamte)
 f. Purpose Insurance, labor (overtime)
 g. Monthly payment 0.00
 h. Amount of debt as of date of commencement \$ TBD
 i. Amount of current debt \$ TBD

SUMMARY - NET WORTH

TOTAL MARITAL ASSETS \$ TBD

TOTAL MARITAL LIABILITIES (minus) \$

MARITAL NET WORTH \$ TBD

VI. ASSETS TRANSFERRED

List all assets transferred in any manner during the preceding three years, or length of the marriage, whichever is shorter. Note: Transfers in the routine course of business which resulted in an exchange of assets of substantially equivalent value need not be specifically disclosed where such assets are otherwise identified in the Statement of Net Worth.

1.	Description of Property	Jointly held Cash Savings TD Bank x5397
	To Whom Transferred	Wife
	Relationship to Transferee	Spouse
	Date of Transfer	9/29/2021
	Value	50,000
2.	Description of Property	Jointly held Cash Savings TD Bank x5397
	To Whom Transferred	Husband
	Relationship to Transferee	Self
	Date of Transfer	9/30/2021
	Value	140,000
3.	Description of Property	Ozil LLC-real estate, property sold
	To Whom Transferred	defunct entity
	Relationship to Transferee	
	Date of Transfer	2020
	Value	
4.	Description of Property	Emirates Transportation LLC
	To Whom Transferred	No Value-defunct entity
	Relationship to Transferee	
	Date of Transfer	2020
	Value	0
5.	Description of Property	Elm Orchard LLC (the Halfway Line bar)
	To Whom Transferred	No value - defunct entity
	Relationship to Transferee	sale proceeds to Highbury Concrete
	Date of Transfer	1/19/2023
	Value	

VII. LEGAL & EXPERT FEES

Please state the amount you have paid to all lawyers and experts retained in connection with your marital dissolution, including name of professional, amounts and dates paid, and source of funds. Attach retainer agreement for your present attorney.

Marquardt for Deft \$50K, Winner for Deft. \$25K, Lindsay for Deft. \$50K

NGH \$12,500, Miller Zeiderman LLP \$542,753.92

Dr. Mednick \$39k, Lee Miller \$7,500 est.,

VIII. OTHER DATA CONCERNING THE FINANCIAL CIRCUMSTANCES OF THE PARTIES THAT SHOULD BE BROUGHT TO THE ATTENTION OF THE COURT ARE:

Pursuant to conference held 3/1/2022, Plaintiff paid Defendant \$45,038.46 as

division of joint saving account x5739; check #142 from acct. x5845.

SEE FURTHER ADDENDUM ATTACHED

The foregoing statements and a rider consisting of _____ page(s) annexed hereto and made a part hereof, have been carefully read by the undersigned who states that they are true and correct and states same, under oath, subject to the penalties of perjury.

Thomas Fogarty
Thomas Fogarty

This is the 3rd
Statement of Net Worth
I have filed in this proceeding

Attorney Certification:

Ashley Ketching
Ashley Ketching

REQUIRED ATTACHMENTS:

Retainer Agreement

Most recent W-2, 1099s, K1s and Income Tax Returns